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SUBJECT: DRL AS KRAMER MEETS WITH FAMILY MEMBERS OF HIGH PROFILE  
POLITICAL PRISONERS

REFS: 07 HANOI 1993

SUMMARY

1. (SBU) In a private meeting in Hanoi with Assistant Secretary of State for Democracy, Human Rights and Labor David Kramer and the Ambassador, Mrs. Vu Minh Khanh, the wife of jailed human rights lawyer and Protestant activist Nguyen Van Dai and Mrs. Tran Thi Le, the mother of jailed human rights lawyer and labor activist Le Thi Cong Nhan, detailed their family members' current situations and health status. Both Dai and Nhan, now in separate prisons south of Hanoi, are in stable health and reportedly in relatively good spirits. Khanh is seeking an unlikely third legal review of her husband's case. Both women complained of ongoing harassment of their relatives' attorneys and restrictions imposed by the prisons. Le said the USG should continue to press Vietnam on human rights and "hold Vietnam responsible" for its compliance, or lack thereof, with international human rights conventions which it has ratified. According to their family members, neither prisoner is interested in political asylum to a third country, at this time.

DAI AND NHAN IMPRISONED SINCE MARCH 2007

2. (SBU) On May 29 in Hanoi, Assistant Secretary for Democracy, Human Rights, and Labor David Kramer and the Ambassador met privately with Mrs. Vu Minh Khanh, the wife of jailed human rights lawyer and Protestant activist Nguyen Van Dai, and Mrs. Tran Thi Le, the mother of jailed 28-year old human rights lawyer and labor activist Le Thi Cong Nhan, also a Christian. Lawyers Dai and Nhan were both arrested in March 2007 and tried and sentenced by the Hanoi People's Court to five and four years of prison, respectively, for "conducting propaganda against the State," per Article 88 of the GVN criminal code. At an appeal trial in November 2007, each of their sentences was reduced by one year, to four and three years respectively. Dai is serving his four-year sentence at Ba Sao (aka Nam Ha) Prison in Ha Nam Province and Nhan is at Thanh Hoa Province Prison Number Five. Family members are permitted monthly visits, per GVN regulations. Each prisoner has been allowed access to a Bible, after earlier concerns expressed by the Embassy about lack of access.

BOTH DAI AND NHAN IN STABLE HEALTH

3. (SBU) Both women briefly summarized for the Assistant Secretary and the Ambassador the trial and the government's case against their family members. In terms of their current health, Mrs. Le said her daughter was "doing well psychologically and physically." However, her allergies and sinusitis flare up when she has to do prison

cleaning chores, including maintaining the plants and trees in the prison's main garden. Mrs. Khanh said her husband's health was "stable," and Dai was "doing okay" psychologically. Dai has a liver condition for which he takes medication.

#### PRIVILEGES ONLY FOR THOSE WHO CONFESS THEIR CRIMES

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14. (SBU) In terms of specific complaints, Khanh said she was frustrated with repeated restrictions on her monthly prison visits and government bureaucracy. She has had to go through a time-consuming police permission process before every monthly visit and is restricted from bringing Dai certain foods he likes. Le said her daughter is denied certain prison privileges because she will not admit to her crime, and hence, is left off the prison's "benefits list."

#### VIETNAM IMPLEMENTING "SUBJECTIVELY" HR CONVENTIONS

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15. (SBU) Both women told the Assistant Secretary that the USG should continue to actively press Vietnam on human rights. Le told the Assistant Secretary that Vietnam has "never implemented in reality" the Universal Declaration on Human Rights nor the International Covenant on Civil and Political Rights (ICCPR). She said the USG should hold the GVN responsible under the international conventions it has signed onto because the GVN was only implementing them "subjectively" to date. She added that her daughter was an

HANOI 00000668 002 OF 002

international human rights lawyer and knows that she has violated no international law.

#### DAI'S WIFE PURSUING UNLIKELY LEGAL REVIEW STRATEGY

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16. (SBU) Khanh continues to pursue a legal strategy in pursuit of getting her husband released from prison. Working with a number of lawyers, Khanh has petitioned the GVN Supreme People's Court (SPC) for a "judging panel review" on her husband's case. After months without reply, the SPC recently responded to Dai's lawyers that there was "not sufficient grounds" for a review. (Comment: After a trial and an appeal trial, Post believes it unlikely such a legal strategy would work in Dai or Nhan's case. End comment.)

17. (SBU) Khanh went on to ask three things from the USG and the international community. First, she seeks protection for her husband's defense attorneys from GVN harassment. She says her husband's attorneys are "risking their careers," taking on his case. She told Assistant Secretary Kramer that recently agents of Vietnam's security services entered the home of her husband's lead attorney and confiscated his laptop and cellular phones, leaving behind cash and valuables in the house. In addition, one agent visited Dai's attorney and allegedly told him that he "could be killed" for being "too enthusiastic" on Dai's case. Secondly, Khanh seeks protection for her husband's defense witnesses, one of whom was allegedly beaten up and prevented from attending her husband's appeal trial. Lastly, she asks for cooperation from the courts, in particular to get the dossiers from the trial to use in her husband's defense. (Comment: Most of what Mrs. Khanh said tracks with common complaints in other political cases Post is familiar with and the ongoing lack of defendants' rights in Vietnam. End comment.)

#### AMNESTY REQUEST

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18. (SBU) Assistant Secretary Kramer raised the cases of Dai and

Nhan, along with others, directly at the May 29 USG-GVN Human Rights Dialogue earlier in the day with MFA Assistant Foreign Minister (AFM) Doan Xuan Hung (septel). The Assistant Secretary specifically called for the two prisoners of conscience to be amnestied and released as soon as possible. AFM Hung, who repeated the GVN line that there are no "political prisoners" in Vietnam - only "lawbreakers" - told Kramer that the GVN was "open" to considering cases of those eligible for amnesty and would review the specific cases. Kramer summarized his relevant discussions at the Human Rights Dialogue for Khanh and Le and assured both of them that the USG would continue to press on their family members' cases.

NEITHER PRISONER INTERESTED IN POLITICAL ASYLUM  
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¶9. (SBU) In a later conversation with Poloff, both women said requesting political asylum to a third country was not an option for their imprisoned family members unless the situation for them "got a lot worse." Mrs. Le told us that her daughter had already been offered asylum in Poland but had never pursued it, as she was "very patriotic" and wanted to continue to fight for a stronger Vietnam in Vietnam. Both women stated, however, that the future could raise other possibilities.

¶10. (U) This cable has been cleared by the office of DRL Assistant Secretary David Kramer.

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